AMENDMENTS TO THE CLAIMS

This listing of the claims will replace all prior versions including the claims in the application.

Listing of the claims:

Claims 1 to 9: Cancelled

10. (Currently amended) Anhydrous Form II of (-)-cis-2-(2-chlorophenyl)-5,7-dihydroxy-8-[4R-(3S-hydroxy-1-methyl)piperidinyl]-4H-1-benzopyran-4-one hydrochloride ethanol solvate having an x-ray powder diffraction pattern,

D-Space (Å)
12.763
6.389
3.194
13.244
4.259

expressed in terms of D-spacing.

11. (Currently amended) Anhydrous Form II of (-)-cis-2-(2-chlorophenyl)-5,7-dihydroxy-8-[4R-(3S-hydroxy-1-methyl)piperidinyl]-4H-1-benzopyran-4-one hydrochloride ethanol solvate having an x-ray powder diffraction pattern,

D-Space (Å)	Relative Intensity
12.763	Strong
6.389	Medium
3.194	Weak
13.244	Weak
4.259	Weak
12.036	Weak
2.824	Weak
8.659	Weak
6.012	Weak
5.397	Weak
3.447	Weak

expressed in terms of D-spacing and relative intensity.

12. (Currently amended) Anhydrous Form II of (-)-cis-2-(2-chlorophenyl)-5,7-dihydroxy-8-[4R-(3S-hydroxy-1-methyl)piperidinyl]-4H-1-benzopyran-4-one hydrochloride ethanol solvate having an x-ray powder diffraction pattern,

2 Theta Angle (°)	D Space (Å)	Relative Intensity	Relative Intensity (%)
6.920	12.763	Strong	100.0
13.850	6.389	Medium	35.7
27.908	3.194	Weak	22.2
6.669	13.244	Weak	18.0
20.838	4.259	Weak	13.8
7.339	12.036	Weak	13.8
31.660	2.824	Weak	9.5
10.208	8.659	Weak	8.3
14.722	6.012	Weak	7.2
16.413	5.397	Weak	6.9
25.829	3.447	Weak	6.5

expressed in terms of 2 theta angle, D-spacing, relative intensity and % relative intensity.

13. (Currently amended) A process for the preparation of anhydrous Form II of (-)-cis-2-(2-chlorophenyl)-5,7-dihydroxy-8-[4R-(3S-hydroxy-1-methyl)piperidinyl]-4H-1-benzopyran-4-one hydrochloride ethanol solvate comprising:

a) dissolving a sufficient amount of (-)-cis-2-(2-chlorophenyl)-5,7-dihydroxy-8-[4R-(3S-hydroxy-1-methyl)piperidinyl]-4H-1-benzopyran-4-one hydrochloride in a sufficient amount of ethanol thus forming a mixture,

b) heating the mixture to about 50°C to about 80°C,

c) optionally filtering off undissolved material from the mixture, thus forming a solution,

d) concentrating the solution until about 50% to about 90% of the volatiles are removed,

e) cooling the solution and optionally isolating the obtained anhydrous (-)-cis-2-(2-chlorophenyl)-5,7-dihydroxy-8-[4R-(3S-hydroxy-1-methyl)piperidinyl]-4H-1-benzopyran-4-one hydrochloride ethanol solvate crystals, and

f) optionally drying the obtained crystals.

14. (Previously presented) The process of claim 13 wherein the cooling of the solution is to about 0°C to about 10°C.

15. (Currently amended) Anhydrous Form II of (-)-cis-2-(2-chlorophenyl)-5,7-dihydroxy-8-[4R-(3S-hydroxy-1-methyl)piperidinyl]-4H-1-benzopyran-4-one hydrochloride ethanol solvate wherein said Form II of (-)-cis-2-(2-chlorophenyl)-5,7-dihydroxy-8-[4R-(3S-hydroxy-1-methyl)piperidinyl]-4H-1-benzopyran-4-one hydrochloride ethanol solvate is prepared by the process comprising:

a) dissolving a sufficient amount of (-)-cis-2-(2-chlorophenyl)-5,7-dihydroxy-8-[4R-(3S-hydroxy-1-methyl)piperidinyl]-4H-1-benzopyran-4-one hydrochloride in a sufficient amount of ethanol thus forming a mixture,

b) heating the mixture to about 50°C to about 80°C,

c) optionally filtering off undissolved material from the mixture, thus forming a solution,

d) concentrating the solution until about 50% to about 90% of the volatiles are removed,

e) cooling the solution and optionally isolating the obtained anhydrous (-)-cis-2-(2-chlorophenyl)-5,7-dihydroxy-8-[4R-(3S-hydroxy-1-methyl)piperidinyl]-4H-1-benzopyran-4-one hydrochloride ethanol solvate crystals, and

f) optionally drying the obtained crystals.

16. (Currently amended) A pharmaceutical composition comprising a therapeutically effective amount of anhydrous Form II of (-)-cis-2-(2-chlorophenyl)-5,7-dihydroxy-8-[4R-(3S-hydroxy-1-methyl)piperidinyl]-4H-1-benzopyran-4-one hydrochloride ethanol solvate and a pharmaceutically acceptable carrier.

17. (Currently amended) A method of treating a patient for cancer by administering to said patient in need of such therapy a therapeutically effective amount of anhydrous Form II of (-)-cis-2-(2-chlorophenyl)-5,7-dihydroxy-8-[4R-(3S-hydroxy-1-methyl)piperidinyl]-4H-1-benzopyran-4-one hydrochloride ethanol solvate of claim 10.

18. (Currently amended) A method of treating a patient for cancer by administering to said patient in need of such therapy a therapeutically effective amount of

anhydrous Form II of (-)-cis-2-(2-chlorophenyl)-5,7-dihydroxy-8-[4R-(3S-hydroxy-1-methyl)piperidinyl]-4H-1-benzopyran-4-one hydrochloride ethanol solvate of claim 11.

19. (Currently amended) A method of treating a patient for cancer by administering to said patient in need of such therapy a therapeutically effective amount of anhydrous Form II of (-)-cis-2-(2-chlorophenyl)-5,7-dihydroxy-8-[4R-(3S-hydroxy-1-methyl)piperidinyl]-4H-1-benzopyran-4-one hydrochloride ethanol solvate of claim 12.